P. F. 63 of 96

G. R. S. IX-5]

Previous references. 1895-96

192 .

(L. R)

File No. 138 of 95

Serial Nos. 1—11

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—11

Major Part B for April 1897

SUBJECT.

Dispute regarding the Shanbhogi of Panchanahalli and Kindapura, Kadur Taluk

---

Recommended
S. Ranga

WD 2238—GPS—20,000—14-6-26

Recd
Inspected
B&B

(8)

~~Petition No. 45 of 95-96.~~
Appeal No 41 of 95-96

Appellant-
~~Petitioner~~

Virappa of
Panchanhalli, Hadur
Taluk

Respondent-
~~Counter Petitioner~~

Sub Collector Hosur.

Appeal against the decree of the Deputy Commr. of Kolar regarding the Shanthagi of Panchanhalli and Inamdari in the Hadur Taluk.

—

List of Stylish papers.

(1) Appeal petition
(2) Copy of the Deputy Commrs judgment
(3) do decree
(4) Virappa's petition, G. O. 25, with Orders for hearing recorded thereon.
(5) Documents by Counter for maintenance of decree.

accepted
record - appeal notified
to respdt.

12/10/95

The 2nd Defr who is the present appellant takes objection to the findings recorded by the Dist Court and as the 1st Defr is now dead and the opportunity contemplated by the Dist Court for making the Defr to bite a suit has occurred this case may be remanded to the Dist Court for fresh enquiry and decision on merits.

It must be observed that the deed of transfer on which the 2nd Defr based his claim and which the Dist Court refused to recognise may be regarded as containing an admission by the first Defr of the fact that he possessed no hereditary title to the Shantapai in dispute. If this is the correct view and the appellant contends that the document evidences no more than this admission the real question which will have to be decided between the parties will then be one of title. What both the Defr

and the appellant are members (2nd Pltf)
of the same family is
not per se sufficient to
decide the case. There appears
to have been a specific issue
as to whether the appellants'
grandfather, that is to say,
Ramayya's father was the
real officiating Pujari
and whether as stated in
the so-called deed of transfer
the Archi had been temporarily
transferred to the 1st Pltf. This
issue does not seem to have
been enquired into and
decided. The Dist Court
will bear this fact in
mind and have the last
holder cope the 1st Pltf and
if this is found it will then
be easy to decide whether
the Pltf or the 2nd Pltf
is the nearer heir eligible
and entitled to be appointed
as Shanbogue - with them

observations thereon and note
be sent to the Dep Comm. Both
the parties will be allowed
to adduce any evidence which
they may wish to be forward

29th Oct 1855

Draft
S.C. 2/11.

Before the Government of Mysore.

(12)

Appeal No. 86 of 1896-97

Appellant.	Vs.	Respondent.
Virappa		Suryanarayappa.

Dispute regarding the Shanbogi of Panchanahalli and Timlapura in the Kadur Taluk.

List of papers in English.

1. Govt. Progs. no. 4347 dated 5.11.95. p. 905
2. Copy of Govt: asstt. Commrs decree
3. do do judgment.
4. do Dy. Commrs decree
5. do do judgment.
6. appeal Petn.
7. Official Memorandum.
8. Dy. Commrs docket
9. Genealogical tree.

Both the Dy Com who has
have found that Pallan
was a trespasser in his ca
right & that Soomaro
business (Pty) is a bo
here to be preferred. Wh
appellant who is also
Sugati. The decision o
on the above concurrent
findings is correct.
appeal is dismissed.

11.3.97

Genealogical Table.

- Suryanaranappa.
  - Virappa
    - Suryanaranappa
      - Virappa
        - Surappa
          - Virappa (dead) ~~Respondent~~
          - Kalabhairu
        - Ramaiya
          - Virappa. Appellant.
      - Ramaiya
  - Hiriyannaiya alias Tammaiya
    - Ramanna
      - Virappa ~~Respondent~~ (dead)
    - Puttannaiya (deceased Bdravaida)
    - Virappa
  - Duggaiya
    - Mahadevaiya
      - Suryanarayana Respondent.

Genl. Serial No. 32.]

1895

No. 778

Name of Petitioner. Veerappa - Son of Ramia Shanbhog of

Village. Ramchanahalli

Taluk. Kadur

District. Kadur

Date of Arzi.

Date of Receipt. 16-8-95

Date of Disposal.

No. of Enclosures. 19

ABSTRACT.

Appeals against the judgment and decree passed by the Dy. Coun. Kadur District in Regular Regr. Suit No. 2 of 1894-95 regarding the Shanbogi of Ramchanahalli and other villages.

The petitioner urges:

1 - Although the suit brought against him by the respondent was dismissed by the Dy. Coun. yet the opinions expressed by him in the judgment were prejudicial & his failure rendered consequently he has to prefer the appeal.

2 - Since the Dy. Coun. was of opinion that

the respondent had no right to sue he should have simply described him without giving explanation to his [redacted] about his right & other matters

3. If the Dy. Comr. had done so he could have decided upon the respective to the office in dispute in case the Respondent would afresh file a suit in the matter.

4. The opinion expressed by the Dy. Comr. is wrong in saying that the Kath bottu of Chambogpura under dispute belonged to the respondent and the 2nd def that it did not belong to the petitioner and that the respondent and the 1st were not divided members.

5. The Dy. Comr. has misconstrued the deed of 16-7-92 executed by the 1st def his favour.

6. It is quite evident from the above dec. from the Rezinama presented to the by the Pattamia on 16-7-92 and also from his statement given before the Talak 23-12-92 that the Kath bottu office belonged to him.

7. It is wrong that the Dy. Comr. should Es have expressed his opinion prejudic interests without going through the documents submitted by him and examining parties and witnesses &c.

8. As the Dy. Comr. has decided the case without fully enquiring into the case he ought following the matter touching his claim.

9. His grand father Veerappa and Ballakki Ramia were cousins.

10. His grandfather and the said Ramia had the Kath bottu office of Chambogpura Kaneyapura & other villages - the Varavard of the above villages was in the of Ramia.

11. Of the above villages. the Chambogpura of Bettanahalli, Ballenahalli, Ramanahalli, Hanekatte, Hos Sanganahalli and Bommenahalli was being conducted by Ramia and his It is in their possession now

12. The duties of the office of Sandanahalli and other villages were being conducted by grand father Veerappa till 1850 when he died.

13. He has enclosed receipts to show that the office was being conducted by the said & said his sons.

14. Of the 6 villages in the Enjoyment of Veerappa, the villages of Koppinahalli, Tabina Indravalli fell to the share of Koorappa his Eldest Son - They are now in the po and Enjoyment of Kala Channappa Son of Koorappa.

15. Sandanahalli, the village [redacted] under dispute and two other villages to the sha his father Ramia 2d. Son of Veerappa.

16. As his father was [redacted] by reason of infancy the office was being conduc 1st defendant Pattamia as managed by his father.

17 In 1869-70 when the Varavard in the name of Ballakki Ramia was transf the respective members of the family the Chambasville of the village

10

25. In respect of his first ground of appeal the learned trial Judge directed the jury that the prosecution had to prove beyond reasonable doubt that the accused (appellant) was not in possession of the land in question at the time of the alleged trespass.

26. If the learned trial Judge misdirected himself in this regard - the learned trial Judge was not in possession of the land at the time of the alleged trespass - the learned trial Judge was not entitled to convict the accused unless he found that the accused was in possession of the land at the time of the alleged trespass - the learned trial Judge misdirected himself in this regard - the learned trial Judge was not entitled to convict the accused unless he found that the accused was in possession of the land at the time of the alleged trespass.

Perhaps that the learned trial Judge misdirected himself in this regard - the learned trial Judge was not entitled to convict the accused unless he found that the accused was in possession of the land at the time of the alleged trespass - the learned trial Judge misdirected himself in this regard - the learned trial Judge was not entitled to convict the accused unless he found that the accused was in possession of the land at the time of the alleged trespass.

23/5.

The Respondent's Judgment and Sentence are in English

m. 9
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ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಪ್ರಜಾಪ್ರತಿನಿಧಿ ಸಭೆಯ ಸದಸ್ಯರ ಚುನಾವಣೆಗಳ ನಿಯಮಗಳು

ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಪ್ರಜಾಪ್ರತಿನಿಧಿ ಸಭೆಯ ಸದಸ್ಯರ ಚುನಾವಣೆಗಳ ನಿಯಮಗಳು ೧೯೪೬-೪೭ ನೆಯ ಇಸವಿಯ ಮಾರ್ಚಿ ತಿಂಗಳ ೨೭ನೆಯ ತಾರೀಖಿನ ಸರ್ಕಾರದ ಆಜ್ಞೆಯಂತೆ ಜಾರಿಗೆ ಬರುವಂತೆ ಮಾಡಲಾಗಿದೆ.

ಅಧ್ಯಾಯ ೧

ಪ್ರಾಥಮಿಕ

೧. ಈ ನಿಯಮಗಳಿಗೆ ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಪ್ರಜಾಪ್ರತಿನಿಧಿ ಸಭೆಯ ಸದಸ್ಯರ ಚುನಾವಣೆಗಳ ನಿಯಮಗಳು ೧೯೪೬-೪೭ ಎಂದು ಹೆಸರು.

೨. ಈ ನಿಯಮಗಳು ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಪ್ರಜಾಪ್ರತಿನಿಧಿ ಸಭೆಯ ಸದಸ್ಯರ ಚುನಾವಣೆಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಎಲ್ಲ ವಿಷಯಗಳಿಗೂ ಅನ್ವಯಿಸುತ್ತವೆ.

೩. ಈ ನಿಯಮಗಳು ಜಾರಿಗೆ ಬರುವ ದಿನಾಂಕವನ್ನು ಸರ್ಕಾರವು ಗೆಜೆಟ್ ಪತ್ರಿಕೆಯಲ್ಲಿ ಪ್ರಕಟಿಸುವುದು.

೪. ಈ ನಿಯಮಗಳಲ್ಲಿ ಸಂದರ್ಭಕ್ಕೆ ಬೇರೆ ಅರ್ಥ ಬರದಿದ್ದರೆ,

(೧) "ಕಾಯಿದೆ" ಎಂದರೆ ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಪ್ರಜಾಪ್ರತಿನಿಧಿ ಸಭೆಯ ಕಾಯಿದೆ ೧೯೪೬ ಎಂದರ್ಥ;

(೨) "ಸಭೆ" ಎಂದರೆ ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಪ್ರಜಾಪ್ರತಿನಿಧಿ ಸಭೆ ಎಂದರ್ಥ;

(೩) "ಸದಸ್ಯ" ಎಂದರೆ ಸಭೆಯ ಸದಸ್ಯ ಎಂದರ್ಥ;

(೪) "ಚುನಾವಣೆ" ಎಂದರೆ ಸಭೆಯ ಸದಸ್ಯರನ್ನು ಆರಿಸುವ ಚುನಾವಣೆ ಎಂದರ್ಥ;

(೫) "ಚುನಾವಣಾ ಕ್ಷೇತ್ರ" ಎಂದರೆ ಚುನಾವಣೆಗಾಗಿ ಏರ್ಪಡಿಸಿರುವ ಕ್ಷೇತ್ರ ಎಂದರ್ಥ;

(೬) "ಚುನಾವಣಾ ಅಧಿಕಾರಿ" ಎಂದರೆ ಚುನಾವಣೆಯನ್ನು ನಡೆಸಲು ನೇಮಕವಾದ ಅಧಿಕಾರಿ ಎಂದರ್ಥ;

(೭) "ಮತದಾರರ ಪಟ್ಟಿ" ಎಂದರೆ ಚುನಾವಣೆಗಾಗಿ ತಯಾರಿಸಿರುವ ಮತದಾರರ ಪಟ್ಟಿ ಎಂದರ್ಥ;

(೮) "ಮತದಾರ" ಎಂದರೆ ಮತದಾರರ ಪಟ್ಟಿಯಲ್ಲಿ ಹೆಸರು ಸೇರಿಸಿರುವ ವ್ಯಕ್ತಿ ಎಂದರ್ಥ;

(೯) "ಅಭ್ಯರ್ಥಿ" ಎಂದರೆ ಚುನಾವಣೆಯಲ್ಲಿ ನಿಲ್ಲುವ ವ್ಯಕ್ತಿ ಎಂದರ್ಥ;

(೧೦) "ಸೂಚಕ" ಎಂದರೆ ಅಭ್ಯರ್ಥಿಯ ನಾಮಪತ್ರವನ್ನು ಸೂಚಿಸುವ ಮತದಾರ ಎಂದರ್ಥ;

(೧೧) "ಅನುಮೋದಕ" ಎಂದರೆ ಅಭ್ಯರ್ಥಿಯ ನಾಮಪತ್ರವನ್ನು ಅನುಮೋದಿಸುವ ಮತದಾರ ಎಂದರ್ಥ;

(೧೨) "ಮತಗಟ್ಟೆ" ಎಂದರೆ ಮತದಾನಕ್ಕಾಗಿ ಏರ್ಪಡಿಸಿರುವ ಸ್ಥಳ ಎಂದರ್ಥ;

(೧೩) "ಮತಪೆಟ್ಟಿಗೆ" ಎಂದರೆ ಮತಪತ್ರಗಳನ್ನು ಹಾಕಲು ಇಟ್ಟಿರುವ ಪೆಟ್ಟಿಗೆ ಎಂದರ್ಥ;

(೧೪) "ಮತಪತ್ರ" ಎಂದರೆ ಮತದಾನಕ್ಕಾಗಿ ಕೊಡುವ ಪತ್ರ ಎಂದರ್ಥ;

(೧೫) "ಮತದಾನ" ಎಂದರೆ ಮತಪತ್ರಗಳನ್ನು ಹಾಕುವುದು ಎಂದರ್ಥ;

(೧೬) "ಮತಗಣನೆ" ಎಂದರೆ ಮತಪತ್ರಗಳನ್ನು ಎಣಿಸುವುದು ಎಂದರ್ಥ;

(೧೭) "ಫಾರಂ" ಎಂದರೆ ಈ ನಿಯಮಗಳಿಗೆ ಅನುಬಂಧವಾಗಿ ಕೊಟ್ಟಿರುವ ಫಾರಂ ಎಂದರ್ಥ.

ಅಧ್ಯಾಯ ೨

ಚುನಾವಣಾ ಕ್ಷೇತ್ರಗಳು

೫. ಸಭೆಯ ಸದಸ್ಯರನ್ನು ಆರಿಸಲು ಸರ್ಕಾರವು ಚುನಾವಣಾ ಕ್ಷೇತ್ರಗಳನ್ನು ಏರ್ಪಡಿಸುವುದು.

೬. ಚುನಾವಣಾ ಕ್ಷೇತ್ರಗಳನ್ನು ಏರ್ಪಡಿಸುವಾಗ ಸರ್ಕಾರವು ಈ ಕೆಳಗಿನ ವಿಷಯಗಳನ್ನು ಗಮನಿಸುವುದು:

(೧) ಕ್ಷೇತ್ರದ ಜನಸಂಖ್ಯೆ ಸುಮಾರು ಸಮವಾಗಿರಬೇಕು;

(೨) ಕ್ಷೇತ್ರದ ಗಡಿಗಳು ಸ್ಪಷ್ಟವಾಗಿರಬೇಕು;

(೩) ಕ್ಷೇತ್ರದ ಜನರಿಗೆ ಅನುಕೂಲವಾಗಿರಬೇಕು.

೭. ಸರ್ಕಾರವು ಚುನಾವಣಾ ಕ್ಷೇತ್ರಗಳನ್ನು ಏರ್ಪಡಿಸಿದ ಮೇಲೆ ಅವುಗಳ ಪಟ್ಟಿಯನ್ನು ಗೆಜೆಟ್ ಪತ್ರಿಕೆಯಲ್ಲಿ ಪ್ರಕಟಿಸುವುದು.

ಅಧ್ಯಾಯ ೩

ಮತದಾರರ ಪಟ್ಟಿ

೮. ಪ್ರತಿ ಚುನಾವಣಾ ಕ್ಷೇತ್ರಕ್ಕೂ ಒಂದು ಮತದಾರರ ಪಟ್ಟಿ ಇರುವುದು.

೯. ಮತದಾರರ ಪಟ್ಟಿಯಲ್ಲಿ ಹೆಸರು ಸೇರಿಸಲು ಈ ಕೆಳಗಿನ ಅರ್ಹತೆಗಳು ಬೇಕು:

(೧) ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಪ್ರಜೆಯಾಗಿರಬೇಕು;

(೨) ೨೧ ವರ್ಷ ವಯಸ್ಸು ತುಂಬಿರಬೇಕು;

(೩) ಕ್ಷೇತ್ರದಲ್ಲಿ ಕನಿಷ್ಠ ೬ ತಿಂಗಳು ವಾಸವಾಗಿರಬೇಕು;

(೪) ಕಾಯಿದೆಯ ಪ್ರಕಾರ ಅನರ್ಹನಾಗಿರಬಾರದು.

೧೦. ಮತದಾರರ ಪಟ್ಟಿಯನ್ನು ಸಿದ್ಧಪಡಿಸುವ ಮತ್ತು ಪರಿಷ್ಕರಿಸುವ ಕೆಲಸವನ್ನು ಸರ್ಕಾರವು ಚುನಾವಣಾ ಅಧಿಕಾರಿಗೆ ವಹಿಸುವುದು.

೧೧. ಮತದಾರರ ಪಟ್ಟಿಯಲ್ಲಿ ಹೆಸರು ಸೇರಿಸಲು ಅರ್ಜಿ ಕೊಡಬೇಕು. ಅರ್ಜಿಯನ್ನು ಚುನಾವಣಾ ಅಧಿಕಾರಿಯು ಪರಿಶೀಲಿಸಿ ಹೆಸರು ಸೇರಿಸಬೇಕೆ ಬೇಡವೆ ಎಂದು ನಿರ್ಧರಿಸುವನು.

೧೨. ಮತದಾರರ ಪಟ್ಟಿಯಲ್ಲಿ ಹೆಸರು ಸೇರಿಸಿದ ಮೇಲೆ ಯಾರಾದರೂ ಆಕ್ಷೇಪಣೆ ಎತ್ತಿದರೆ, ಚುನಾವಣಾ ಅಧಿಕಾರಿಯು ವಿಚಾರಣೆ ಮಾಡಿ ತೀರ್ಮಾನಿಸುವನು.

೧೩. ಮತದಾರರ ಪಟ್ಟಿಯನ್ನು ಪ್ರತಿ ವರ್ಷ ಪರಿಷ್ಕರಿಸಿ ಪ್ರಕಟಿಸುವುದು.

ಅಧ್ಯಾಯ ೪

ಅಭ್ಯರ್ಥಿಗಳು

೧೪. ಅಭ್ಯರ್ಥಿಯಾಗಿ ನಿಲ್ಲಲು ಈ ಕೆಳಗಿನ ಅರ್ಹತೆಗಳು ಬೇಕು:

(೧) ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಪ್ರಜೆಯಾಗಿರಬೇಕು;

(೨) ೨೫ ವರ್ಷ ವಯಸ್ಸು ತುಂಬಿರಬೇಕು;

(೩) ಕಾಯಿದೆಯ ಪ್ರಕಾರ ಅನರ್ಹನಾಗಿರಬಾರದು.

೧೫. ಅಭ್ಯರ್ಥಿಯ ನಾಮಪತ್ರವನ್ನು ಒಬ್ಬ ಸೂಚಕ ಮತ್ತು ಒಬ್ಬ ಅನುಮೋದಕ ಸೂಚಿಸಿ ಅನುಮೋದಿಸಬೇಕು.

೧೬. ಅಭ್ಯರ್ಥಿಯು ನಾಮಪತ್ರದೊಂದಿಗೆ ಠೇವಣಿ ಹಣವನ್ನು ಕಟ್ಟಬೇಕು. ಠೇವಣಿ ಹಣದ ಮೊತ್ತವನ್ನು ಸರ್ಕಾರವು ನಿಗದಿಪಡಿಸುವುದು.

೧೭. ಅಭ್ಯರ್ಥಿಯು ಒಂದಕ್ಕಿಂತ ಹೆಚ್ಚು ಕ್ಷೇತ್ರಗಳಲ್ಲಿ ನಿಲ್ಲಬಾರದು.

೧೮. ಅಭ್ಯರ್ಥಿಯು ನಾಮಪತ್ರವನ್ನು ಹಿಂತೆಗೆದುಕೊಳ್ಳಬಹುದು.

ಅಧ್ಯಾಯ ೫

ಚುನಾವಣೆ

೧೯. ಚುನಾವಣೆಯ ದಿನಾಂಕವನ್ನು ಸರ್ಕಾರವು ನಿಗದಿಪಡಿಸುವುದು.

೨೦. ಚುನಾವಣೆಯನ್ನು ಗುಪ್ತ ಮತದಾನ ಪದ್ಧತಿಯಲ್ಲಿ ನಡೆಸಬೇಕು.

೨೧. ಮತದಾನಕ್ಕಾಗಿ ಮತಗಟ್ಟೆಗಳನ್ನು ಏರ್ಪಡಿಸುವುದು.

೨೨. ಮತದಾರನು ಮತಪತ್ರದಲ್ಲಿ ತನಗೆ ಇಷ್ಟವಾದ ಅಭ್ಯರ್ಥಿಯ ಹೆಸರಿನ ಮುಂದೆ ಗುರುತು ಹಾಕಿ ಮತಪೆಟ್ಟಿಗೆಯಲ್ಲಿ ಹಾಕಬೇಕು.

೨೩. ಮತಗಣನೆಯನ್ನು ಚುನಾವಣಾ ಅಧಿಕಾರಿಯು ಅಥವಾ ಅವನು ನೇಮಿಸಿದ ಅಧಿಕಾರಿಯು ಮಾಡುವನು.

೨೪. ಅತಿ ಹೆಚ್ಚು ಮತಗಳನ್ನು ಪಡೆದ ಅಭ್ಯರ್ಥಿಯು ಆಯ್ಕೆಯಾದನೆಂದು ಘೋಷಿಸಲಾಗುವುದು.

೨೫. ಚುನಾವಣೆಯ ಫಲಿತಾಂಶವನ್ನು ಸರ್ಕಾರವು ಗೆಜೆಟ್ ಪತ್ರಿಕೆಯಲ್ಲಿ ಪ್ರಕಟಿಸುವುದು.

ಅಧ್ಯಾಯ ೬

ಚುನಾವಣಾ ಅಪರಾಧಗಳು

೨೬. ಲಂಚ ತೆಗೆದುಕೊಳ್ಳುವುದು ಅಥವಾ ಕೊಡುವುದು ಅಪರಾಧ.

೨೭. ಬೆದರಿಕೆ ಹಾಕುವುದು ಅಪರಾಧ.

೨೮. ಸುಳ್ಳು ಮತದಾನ ಮಾಡುವುದು ಅಪರಾಧ.

೨೯. ಮತಪೆಟ್ಟಿಗೆಯನ್ನು ಅಥವಾ ಮತಪತ್ರಗಳನ್ನು ಹಾಳು ಮಾಡುವುದು ಅಪರಾಧ.

೩೦. ಚುನಾವಣಾ ಅಪರಾಧಗಳಿಗೆ ಶಿಕ್ಷೆಯನ್ನು ಕಾಯಿದೆಯಲ್ಲಿ ಹೇಳಿರುವಂತೆ ವಿಧಿಸಲಾಗುವುದು.

ಅಧ್ಯಾಯ ೭

ಚುನಾವಣಾ ಅರ್ಜಿಗಳು

೩೧. ಚುನಾವಣೆಯ ಫಲಿತಾಂಶವನ್ನು ಪ್ರಶ್ನಿಸಿ ಅರ್ಜಿ ಕೊಡಬಹುದು.

೩೨. ಚುನಾವಣಾ ಅರ್ಜಿಯನ್ನು ಹೈಕೋರ್ಟಿನ ನ್ಯಾಯಾಧೀಶರು ವಿಚಾರಣೆ ಮಾಡುವರು.

೩೩. ಚುನಾವಣಾ ಅರ್ಜಿಯ ತೀರ್ಮಾನವು ಅಂತಿಮವಾಗಿರುವುದು.

ಅಧ್ಯಾಯ ೮

ಫಾರಂಗಳು

ಫಾರಂ ೧ — ನಾಮಪತ್ರ

ಫಾರಂ ೨ — ಸೂಚಕ ಮತ್ತು ಅನುಮೋದಕರ ಸಹಿ

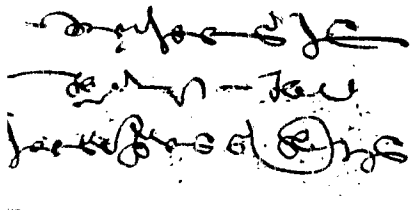
ಫಾರಂ ೩ — ಮತದಾರರ ಪಟ್ಟಿಗೆ ಹೆಸರು ಸೇರಿಸಲು ಅರ್ಜಿ

ಫಾರಂ ೪ — ಮತಪತ್ರ

ಫಾರಂ ೫ — ಚುನಾವಣಾ ಅರ್ಜಿ

MYSORE COURT FEE

MYSORE DEWAN'S OFFICE
REGISTRATION DEPARTMENT
RECEIVED ON
DATE



1892 ನೇ ಸಾಲಿನ ಮಾರ್ಚ್ 15 ನೇ ತಾರೀಖಿನಂದು ಸಾಯಂಕಾಲ 5 ಗಂಟೆಯ ಸಮಯಕ್ಕೆ ಸರಿಯಾಗಿ ಕಾಲ್ಯಾಳಿಯಲ್ಲಿರುವ ಕಚೇರಿಯಲ್ಲಿ ಹಾಜರಿರಬೇಕೆಂದು ಈ ಮೂಲಕ ಸೂಚಿಸಲಾಗಿದೆ — ಕಾಲ್ಯಾಳಿಯಲ್ಲಿ ಸಭೆ ಸೇರಿಸಲು ಮತ್ತು ಅಲ್ಲಿ 1892 ನೇ ಸಾಲಿನ ಮಾರ್ಚ್ ತಿಂಗಳ 23 ನೇ ತಾರೀಖಿನವರೆಗೆ ಕಾಲ್ಯಾಳಿಯಲ್ಲಿಯೇ ಇದ್ದು ಕೆಲಸ ನಡೆಸಲು ಅಧಿಕಾರ ಕೊಟ್ಟಿದೆ ಎಂದು ಈ ಮೂಲಕ ತಿಳಿಸಲಾಗಿದೆ

7 — ಈ ಪತ್ರವನ್ನು ಅಂಚೆಯವರಲ್ಲಿ ಕೊಡುವುದಕ್ಕೆ ಮುಂಚೆ ಅದರ ತಲೆಯ ಪತ್ರಗಳನ್ನು ಕಚೇರಿಯಲ್ಲಿ ಇಟ್ಟುಕೊಂಡು ಅದರ ನಕಲುಗಳನ್ನು ಮಾಡಿಸಿ ಅವುಗಳನ್ನು ಕಚೇರಿಯಲ್ಲಿ ಇಟ್ಟುಕೊಳ್ಳಬೇಕು ಮತ್ತು ಈ ಪತ್ರವನ್ನು ಅಂಚೆಯವರಲ್ಲಿ ಕೊಡುವುದಕ್ಕೆ ಮುಂಚೆ ಅದರ ನಕಲುಗಳನ್ನು ಮಾಡಿಸಿ ಅವುಗಳನ್ನು ಕಚೇರಿಯಲ್ಲಿ ಇಟ್ಟುಕೊಳ್ಳಬೇಕು

8 — ಈ ಪತ್ರವನ್ನು ಅಂಚೆಯವರಲ್ಲಿ ಕೊಟ್ಟಿದ್ದಕ್ಕೆ ಆಧಾರವಾಗಿ ಅಂಚೆಯವರಿಂದ ಪಡೆದುಕೊಂಡ ರಸೀದಿಯನ್ನು ಕಚೇರಿಯಲ್ಲಿ ಇಟ್ಟುಕೊಳ್ಳಬೇಕು

9 — ಈ ಪತ್ರವನ್ನು ಕಾಲ್ಯಾಳಿಯಲ್ಲಿ ಸಭೆ ಸೇರಿಸಿದ್ದಕ್ಕೆ ಆಧಾರವಾಗಿ ಸಭೆಯ ನಡವಳಿಕೆಯ ಪುಸ್ತಕದಲ್ಲಿ ಬರೆದಿಟ್ಟುಕೊಳ್ಳಬೇಕು

10 — ಈ ಪತ್ರವನ್ನು ಸಭೆಯಲ್ಲಿ ಓದಿದ್ದಕ್ಕೆ ಆಧಾರವಾಗಿ ಸಭೆಯ ನಡವಳಿಕೆಯ ಪುಸ್ತಕದಲ್ಲಿ 13 ನೇ ಸಂಖ್ಯೆಯ ಕೆಳಗೆ ಈ ಪತ್ರವನ್ನು ಬರೆದಿಟ್ಟುಕೊಳ್ಳಬೇಕು ಮತ್ತು ಈ ಪತ್ರವನ್ನು ಓದಿದ್ದಕ್ಕೆ ಆಧಾರವಾಗಿ ಸಭೆಯ ನಡವಳಿಕೆಯ ಪುಸ್ತಕದಲ್ಲಿ ಸಹಿ ಮಾಡಿಸಿಕೊಳ್ಳಬೇಕು

11 — ಪತ್ರ 13 ನೇ ಸಂಖ್ಯೆಯ ಸೈಕಲ್ ಪತ್ರ ನೋಡಿ — ಸಾಲ್ಸೆ ನಡವಳಿ —

12— ಆಂತಿಮ ತೀರ್ಮಾನದಲ್ಲಿ ಪ್ರತಿವಾದಿಯು ಕಲಂ 6 ರಲ್ಲಿ ಕೊಟ್ಟಿರುವ ಸಂಸ್ಥೆಯ ಸದಸ್ಯತ್ವವನ್ನು ಕಳೆದುಕೊಳ್ಳುವುದು

13— ಪ್ರತಿವಾದಿಯು ಸಂಸ್ಥೆಯ ಸದಸ್ಯತ್ವವನ್ನು ಕಳೆದುಕೊಂಡ ನಂತರ ಅವರು ಸಂಸ್ಥೆಯಲ್ಲಿ ಇಟ್ಟಿರುವ ಠೇವಣಿಯನ್ನು ಹಿಂತಿರುಗಿಸಲು ಅರ್ಜಿ ಸಲ್ಲಿಸಿದ ಒಂದು ತಿಂಗಳ ಒಳಗಾಗಿ ಸಂಸ್ಥೆಯು ಅವರಿಗೆ ಠೇವಣಿಯನ್ನು ಹಿಂತಿರುಗಿಸಬೇಕು

14— ಪ್ರತಿವಾದಿಯು ಸಂಸ್ಥೆಯ ಸದಸ್ಯತ್ವವನ್ನು ಕಳೆದುಕೊಂಡ ನಂತರ ಸಂಸ್ಥೆಯ ಯಾವುದೇ ಸಭೆಯಲ್ಲಿ ಭಾಗವಹಿಸಲು ಅಥವಾ ಮತ ಚಲಾಯಿಸಲು ಅರ್ಹರಾಗಿರುವುದಿಲ್ಲ

15— ವಿವಾದಾಸ್ಪದವಾದ ಪಂಚಾಯತಿಯ ಅಧ್ಯಕ್ಷರು ಮತ್ತು ಸದಸ್ಯರುಗಳು ಹಾಲು ಉತ್ಪಾದಕರ ಸಹಕಾರ ಸಂಘದ ಸದಸ್ಯರಾಗಿರುವುದಿಲ್ಲ

16— ಸಂಸ್ಥೆಯ ಕಾರ್ಯದರ್ಶಿಯು ಯಾವುದೇ ಸಮಯದಲ್ಲಿ ಸಂಸ್ಥೆಯ ಸಭೆಯನ್ನು ಕರೆಯಲು ಅಧಿಕಾರವನ್ನು ಹೊಂದಿರುತ್ತಾರೆ

ಮೇಲ್ಕಂಡ

20. [illegible]

21. [illegible]

22- [illegible]

23- [illegible]

24- [illegible]

ಅಂಗಡಿಯವರಿಗೆ ಕೊಡಬೇಕಾಗಿದ್ದ ಹಣವನ್ನು ಕೊಡಲಾಗಿದೆ
ಎಂದು ಹೇಳಿದ್ದಾರೆ. ಆದರೆ ಅವರು ಯಾವ ವರ್ಷದ
ಹಣವನ್ನು ಕೊಟ್ಟಿದ್ದಾರೆ ಎಂಬುದನ್ನು ಹೇಳಿಲ್ಲ. ಸಾಕ್ಷಿದಾರರು
ಹೇಳಿರುವಂತೆ 1976-77ನೇ ಸಾಲಿನಲ್ಲಿ ಅಂಗಡಿಯವರಿಗೆ
1977-78ನೇ ಸಾಲಿನಲ್ಲಿ ಹಣವನ್ನು ಕೊಟ್ಟಿದ್ದಾರೆ
ಎಂಬುದಾಗಿ ಹೇಳಿಕೆ ನೀಡಿದ್ದಾರೆ. ಆದರೆ ಈ ಸಾಕ್ಷಿಗಳು
ಸರಿಯಾಗಿ ತಿಳಿದಿಲ್ಲ.

25. ಆಸ್ತಿಯಿಂದ ಬಂದಿರುವಂತಹ ಪಂಪ್‌ಸೆಟ್‌ನಲ್ಲಿ
ಹಾಗೂ ಪೈರದಲ್ಲಿ ಬಂದಿರುವಂತಹ ಭಿನ್ನಾಭಿಪ್ರಾಯದ
ಬಗ್ಗೆ ಹಾಗೂ ಹಂಚಿ ಮಾಡಿಕೊಂಡಿರುವಂತಹ ಬಗ್ಗೆ
ಯಾವುದೇ ಸಾಕ್ಷಿಗಳು ಹೇಳಿಲ್ಲ. ಆದ್ದರಿಂದ
ಈ ಕೋರ್ಟಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಯಾವುದೇ
ಇದರಲ್ಲಿ ಸಾಕ್ಷಿಗಳು ಹೇಳಿಲ್ಲ.
ದಸ್ತಿನ ಸಾಕ್ಷಿಗಳು ಹೇಳಿಲ್ಲ. ಸಂದರ್ಭೋಚಿತವಾಗಿ
ಸಾಕ್ಷಿ ಬಂದಿದೆ. ಸಾಕ್ಷಿ ತಿಳಿದಿಲ್ಲ ಎಂದರೆ
ಬಿಟ್ಟಿ ಹಾಗಾಗಿ ಹೇಳಿಲ್ಲ.

ಪ್ರಮಾಣಿಸಿದ ಪ್ರತಿಯನ್ನು ಪಡೆಯುವುದಕ್ಕೆ ಅರ್ಹರಿರುತ್ತಾರೆ

ಸಹಿ ಮಾಡಿದ ಸಾಕ್ಷಿ

ವಿಚಾರಣೆ ದಿನ 20

1- [illegible]

2— [illegible]

3 — [illegible]

4 — [illegible]

5 [illegible]

6 [illegible]

7 [illegible]

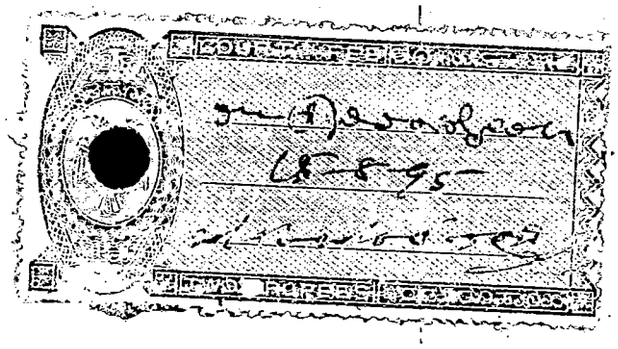
8 [illegible]

9 [illegible]

10 [illegible]

11 [illegible]

29



ಪ್ರಧಾನ ಸಿವಿಲ್ ನ್ಯಾಯಾಧೀಶರು ಮತ್ತು ಜೆ.ಎಂ.ಎಫ್.ಸಿ. ನ್ಯಾಯಾಲಯ
ಕೋರ್ಟಿಗೆ.

ಸ್ಮಾ 189 / 96 ನೇ ಇ ಸ ವಿ ಶ್ರೀನಿವಾಸಮೂರ್ತಿ - ನಮೂರ್

ಫಿರ್ಯಾದಿ. ಆರೋಪಿ.

ವಿರುದ್ಧ -

ಮೇಸ್ತ್ರಿ-ಅಸ್ಸಾಸ್ಟೆಂಟ್-ಇಂಜಿನೀಯರ್, ಶ್ರೀನಿವಾಸಯ್ಯಂಗಾರ್ಯರವರಿಗೆ.

ಶ್ರೀನಿವಾಸ ಮೂರ್ತಿ ಬರೆಸಿ ಕೊಟ್ಟ ವಕಾಲತ್ ನಾಮೆ.

ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನನ್ನಪರವಾಗಿ ಕೋರ್ಟಿಗೆ ವಾಜಿವಾಗಿ ಅರ್ಜಿ ಮಗ್ಗೆರೆ ಕೊಟ್ಟು ವಿವಾದಿಸಿ ಫೈನಲ್ ಡಿಸೀಶನವಾಗ್ಯು ಬಗೈತ್ಯನವಾಗ್ಲು ನನಗೆ ಸಲ್ಲತಕ್ಕ ರಿಕರಿ ಪೊಸಿಷನ್ನು ದನ್ಕೊಳ್ಳವು ಮಗ್ಗೆರೆ ತೆಗದುಕೊಂಡು ದಶೀದಿ ಕೊಡುವದಕ್ಕೂ ಸಹಾ ತಮಗೆ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇನೆ. ಆದ್ದರಿಂದ ತಾವು ನನಿಗೋಸ್ಕರ ಕೋರ್ಟಿಗೆ ವಾಜಿವಾಗಿ ನಡಿಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ಇದ್ದು ನಡಿಸಿದಂತೆ ಒಪ್ಪುತ್ತೇನೆ.

ತಾರೀಖು ನೇ
ಸ್ಮಾ 189 ನೇ ಇಸವಿ.

ಸಾಕ್ಷಿ ಕಂಠಕ್ಕೆ ಹಚ್ಚಿದ ಹೆಬ್ಬೆರಳಿನ ಗುರುತು

ಸಾಕ್ಷಿ - ಇ - ಳಿಗೆ ಸಹಿ

ಸಹಿ ಶ್ರೀನಿವಾಸಮೂರ್ತಿ

ಅಂಗೀಕರಿಸಿ ಇರುತ್ತೇನೆ

Advocate for applt.

ಈ ಸಿವಿಕ್ಟ್ಯೂರ್ ಕಚೇರಿಯ ಕೆಲಸವನ್ನು ಕೆಲವು ವರ್ಷಗಳಿಂದ ನನಗೆ ಕಾರ್ಯನಿರ್ವಹಿಸುತ್ತಿರುವ ನನ್ನ ಸಮೀಪದ ಬಂಧುವಾದ ಇದಕ್ಕೆ ಮುದ್ರೆಯಾಡಿ ಇದಾರ್ಥ ಆದ್ದರಿಂದ ನಾನು ಸರ್ಟಿಫೈ ಮಾಡಿದ್ದೇನೆ. 15/6/96

ಕೆಂಗಲೂರು ನಿಜಾರ ದ್ವಣ ಕೇಸ್‌ನಲ್ಲಿ ಸುಪ್ರೀಕೋರ್ಟಿಗೆ ಅಪೀಲು ಮಾಡಲಾಗಿತ್ತು.—ಸಂಪಾ.

7785 M2-9-95-

23 1895 (24)

No. 1644

Name of Petitioner, Virappa - Son of Ramu

Village, Thimmanahalli

Taluk, Kadur

District, Kadur

Date of Arzi, 6-9-95

Date of Receipt, 6-9-95

Date of Disposal,

No. of Enclosure, Nil

ABSTRACT.

1044

Gen. 31.]

2

25 August 189

(3)

From

L.R. 138-95-3

To

The Deputy Commr
Kadur District

Dated 18/10/95

Despatched 18

Received

General No. 3768

Pet No. 794

Enclosure No.

Has the honour to state that Virappa of Panchanahalli, Kadur Taluk, has preferred an appeal to Govt against the Deputy Commr's judgment in the Revenue Regular Case No of 1894-95 on the file of this Court, and to request that the record of the case may be transmitted to this office, at the earliest, as the appeal of

Visaffen skinn finnes
6- 29th Inst.

By Order
Baffi
C2+3
Revenue Secretary

(General Serial No. 3[illegible])

REVENUE DEPARTMENT
Gl. No. 3422
No.
28 OCT. 95
1895 COMMISSIONER'S OFFICE

27

From

The Deputy Commissioner
Taree District

To

The Revenue Secretary
to the Government of
Bengal

Dated 24th
Despatched 24th October 1895
Received

Enclosures No. one file &c

General No. 3[illegible]
No.

Revenue Secretary's No. 2003
1194

Relative to refund, requesting
a general Circular be issued to the
Revenue [redacted] Circular Case No. 2
1894-95 on the file of this Dist.

As requested in the above,
I am directed to submit here-
with the Circular Case of the above
Case.

[illegible]
for Deputy Commissioner
Taree District.

Ref—
M
28/10/95

L.R. 138-95-M

28

(1)

Proceedings of the Chief of Mysore

L.R. 138-95-5

Read:—

(1) Petition No $\frac{778}{A.S.41}$ of 1895-96 of Virappa of Panchanhalli in the Kadur Taluk, appealing against the judgment of the Deputy Commissioner of Kadur in Revenue Regular Case No 2 of 1894-95 regarding the office of Shanbhog of Panchanhalli and Timlapura in the Kadur Taluk

(2) Records received with docket [redacted]300 dated 24th October 95, from the Deputy Commissioner of the Kadur District, which show the facts to be, briefly, as follows:—

Narayanappa &
1. Puttannaiya
2. Virappa

The 1st Defendant Puttannaiya who held the office in question transferred it to the 2nd defendant (appellant) by a report submitted by him to the

Taluk Kacheri on 16th July 1892

- pursuance of a registered 29
deed executed by him in
favour of 2nd Defendant.
The Plaintiff who is the nephew
of the said Puttannaiya filed
this suit on the 2nd June 1894
for the recovery of the office.
He alleged that the 2nd Defen-
dant had no right whatever
to the office and that alienation
of it by 1st Defendant was
fraudulent and illegal.
The 2nd Defendant urged
that the office was inherited
by his father, that as the
latter was lame, the 1st
Defendant performed the
duties of the office for him,
that the office was rightly
restored to 2nd Defendant
on his attaining his majority,
and that neither the 1st
Defendant nor Plaintiff's
father

father had any right to the office. The Deputy Commissioner held inter alia that the 1st Defendant was the recognised katakar, that the alienation by him could not be accepted, that the Plaintiff had a better claim to the office than the 2nd Defendant, and that the suit filed during the life time of the 1st Defendant could not be entertained. The suit was accordingly dismissed. The 2nd Defendant has taken exception in this appeal, to the findings adverse to him recorded by the Deputy Commissioner.

(Note:- The Appellant stated at the hearing that the 1st Defendant Kuttanadan died after the date of the

Deputy-Commissioner's decision)

— 4 —

Order thereon. dt. 4347 / P. 905) 5.11.25 — Exam'r Ker. file

The 2nd Defendant-who is the present-Appellant takes objection to some of the findings recorded by the Deputy Commissioner, and as the 1st-Defendant is now dead, and the opportunity contemplated by the Deputy Commissioner for enabling the Plaintiff to file a suit has accrued, this case may be remanded to the Deputy-Commissioner for fresh enquiry and decision on merits.

2. It must be observed that the deed of transfer on which the 2nd Defendant based his claim, and which the Deputy-Commissioner refused to recognise may be regarded as containing

an

an admission by the first Defendant of the fact that he possessed no hereditary title to the Shanbhogi in dispute. If this is the correct view and the Appellant contends that the document evidences no more than ~~this~~ admission, the real question which will have to be decided between the parties will then be one of title. That both the Plaintiff and the appellant (2nd Defendant) are members of the same family is not per se sufficient to decide the case. There ought to have been a specific issue as to whether the appellant's grandfather, that is to say, Ramaiya's father was the real officiating hakdar

and whether, as stated in 33
the so-called deed of transfer,
the office had been temporarily
transferred to the 1st Defendant.
This issue does not seem
to have been enquired
into and decided. The
Deputy Commissioner
will bear this fact in
mind and trace the
last holder before the
1st Defendant, and if
this is found, it will then
be easy to decide whether
the Plaintiff or the 2nd
Defendant is the nearer
heir eligible and entitled
to be appointed as Shanbhog.
With these observations,
the record will be sent
to the Deputy Commissioner.

Both

34

Both the parties will be
allowed to adduce any
evidence which they may
wish to bring forward.

Draft
C243

5-11-93.

Revenue Secretary.

To The Deputy-Commr.
Thaton District with
Records.

4th/11 5/11

L.R. 138 - 95 - b

505 of 95

37 1897

No. 2221. 86/96-97

Name of Petitioner Veerappa Son of Ramiah

Village Shanbhag of Panchanahalli

Taluk Kadur

District Kadur

Date of Arzi 6-1-97

Date of Receipt 8-1-97

Date of Disposal

No. of Enclosure 5

ABSTRACT.

Appellant is the Pet.

Respondent is Suryatiramappa son of Mahadevaiah resident of Kamalatta, Arsikere Taluq, Kadur District — residing in Chikmagalur Town.

Pet. begs to appeal against the decree granted by the General asstt Commr, Kadur District in 1895-96 in Rev. case no 1. and against (2) the decree of the Deputy in 1896-97 in Rev. appeal no 1. on the following grounds —

1. The Pet. appealed against the order granted by the Dep. Commr of Kadur (Mr Shortt) in 96-5 in Rev. appeal no 2 — & Govt by appeal Petn no 775/A-8-41 of 95-96 —

2. The Govt in their order —

Please put up file

R. 1891/97

Papers wanted for Pet. No 2221 of 95-96

R. 15/1

Papers sent and

Read

20/1/97

Sent

R. 138-95-7

R. 21/1/97

1) In time

2) Stamp sufficient

3) Appeal against D.C. Commr's decision in regular Revenue Appeal No 101/1896-97

Appellant had appealed in 1895 on the matter but the case was remanded by D.C. Commr for finding on certain issues and further decision

The D.C. Commr remanded the case to the Govt and Govt Commr affirmed whose & D.C. Commr's decrees the present appeal is presented

Sent to 2nd Comm'r for

R. 22/1

Read 20/1/97

Call for record & papers with remark & opinion of the Comm'r concerned

Dept to be informed

Prompt for hearing 23/1/97

$\frac{4317}{1090}$ dy 5th November 1895 stated
that the order appealed against was
unjust and to cancelled it. The dist:
Collr took the case back into his
file and the Govt directed him to
reexamine the case.

3. The Respondt having received
the case back, referred it to an
Asstt Comr for disposal. The Asstt
Comr granted a decree which was
cancelled by Respondt on appealing
to him and his previous order was
confirmed. This act of the Resp Comrs
is unjust.

4. It is against all expectations
that an Officer whose decisions could
be appealed against to the Resp: Comr
could have ~~to~~ held an opinion
contrary to that of the latter Officer.

5. The appellant is subjected to
considerable loss and injustice since
facility was not granted him to
appeal against the original order
the Resp Comr as the case was
referred to another Court ~~and~~ qud
not decided by himself.

6. It is evident from the
decisions both of the Respondt
and the Asstt Comr that Veerapp
and father of the appellant was
the hereditary Shanbhogi of the villages in
dispute, that he and his eldest
son Veerappa as hereditary Officers
discharged the duties
thereof, that in 1879-80 the
said Veerappa and one

39

1st respondent
Pullanniah were made
joint Karnavardars
and discharged the duties of
the Office as such for 7 or 8
years, that before the said
Pullanniah was made the
joint Karnavardar in 79-80
he had no right whatever
for the place and that
it is not known on what
ground he was made the
joint karnavardar.

7 It is also clear that
the said Pullanniah was a
distant cousin of ~~the~~ the
Senior Veerappa (Grandfather
of the Pet.), that Pullanniah
and the Pet.'s father, Mahalingiah were divided in
interests, that the hereditary (suggested by Pullanniah)
the Shanbhog office ~~was~~
was not hereditary which is
seen from the registered Karar executed
by him on the 16th July 1892,
~~and~~ the Rajeenama (Resignation
letter) presented to the Taluk
by the said Pullanniah
on the 16th of the same month
& the deposition of this man
in the Taluq Cutcherry on
23d December 1892

and that he was dis-
charging the Shanbhogi
duty as a temporary arrang
of the inability of the appellant's
father so to do.

8. It was proved in the
above case that the respondent
Suryanarayya had no right
whatever to the Shanbhogi Office,
as is seen in paras 6 & 7 nor
has he any right to the
Office in preference to appellant (Vide)
who is working after studying at present.

9. Though the Govt are of
opinion that the said
Puttanniah obtained right
over the office by having
discharged the duties for 11 years
from 1879-80 on hereon hold,
Pet. submits that even then
the Puttanniah and Suryanarayya
father divided their property
between themselves in the
year Plavanga and lived
separately since then, the
Respondents' father went
away to foreign lands about
20 years ago; this link
was not enjoyed either
by Suryanarayya or

or his father; this book was created by Pattamma himself and it was therefore justly handed over to the Pets after the case was over.

10. The Lower Court has ~~erred~~ erred in not believing the deposition of Bullakki Ramaiah who was 80 or 90 years the Suravardar of the village in question together with other villages and one well known to the circumstances of this case.

11. The decision of the Lower Court is wrong & unjust ~~in the above~~ among other reasons.

12. Pets therefore prays that the Govt may pursue his appeal Pets no 778 of 95/96 P. 41 which he presented to Govt on 16th August 1895, link this to the above and grant favourable orders —

B.L.
16/1/97

P.T.O for enclosures

Enclosures — WR

(1) Judgment of the D.C. Kadur dt in Rev appeal case no 1 of 96-97 declining to interfere with the decision of the lower court and directing the dismissal of the appeal case - dt 3-10-96.

(2) Decree granted by Kadur D.C. on 3-10-96 dismissing the appeal against that granted by the Asstt Court

(3) Decree granted by Asstt Court Kadur in Rev case no 1 of 95/96 declaring that Sooryanarayanappa had prior claim to the office & that the Pets should succeed him.

(4) Judgment granted by Asstt Court Kadur in Rev original suit no 1 of 95/96 ~~declaring~~ directing that Sooryanarayanappa should be put in possession of the Shanbhogue Office and that the Pets should succeed him.

(5) Schedules A & B showing the lists of exhibits filed by Plaintiff and Defendants in the above suit.

BL
16/11/97

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM

The accompanying Appeal Petition Registered No. 222/ dated 6 Jan 97. received at the Dewan's Office from Viraiyya of Kuchanahalli, Kadur Taluk; against the judgment and decree of the Deputy Commr of Kadur in Rev Appeal case No 1/95-96 on the file of his office, regarding the Shanbhog of Kuchanahalli and other things in the Kadur Taluk is forwarded, together with its five enclosures to the Deputy Commissioner of the Kadur District for submission of the entire proceedings connected with the case.

2. The petition with its enclosure should be returned.

By order,

Chief Secretary.

BANGALORE,
26 Jan 1897.

M.G.C.P.B.—25-4-95—1,000

Ordinary
8/2 C.

1897. 5198
Pet 485

From The Dy Commissioner
Kadur District

To The Secretary to the
Government of Mysore,
General & Rev: Depts

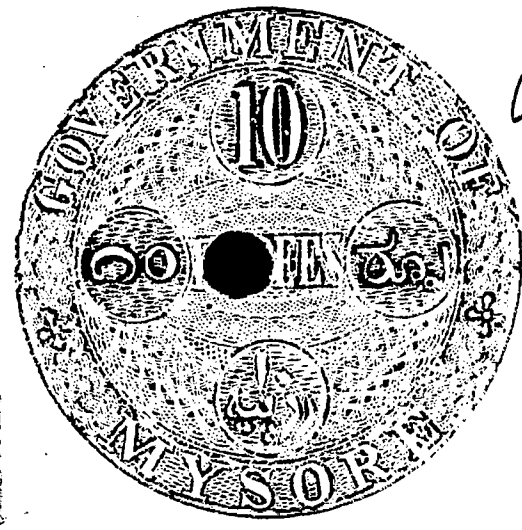
Dated 3d
Despatched 5th February
Received
General No. L.86 1896-7.
No.

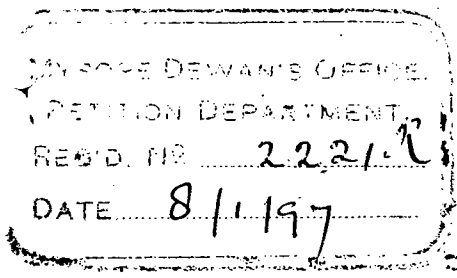
Enclosure No. Petitions & Proceedings separately

In reply to Government Order No. Pet/1182 dated 26th January last, forwarding petition of Virappa of Panchanahalli, appealing against the judgment and decree of this Court, in Revenue Appeal Case No. 1 of 1896-97, has the honor to forward herewith the entire Proceedings connected with the case.

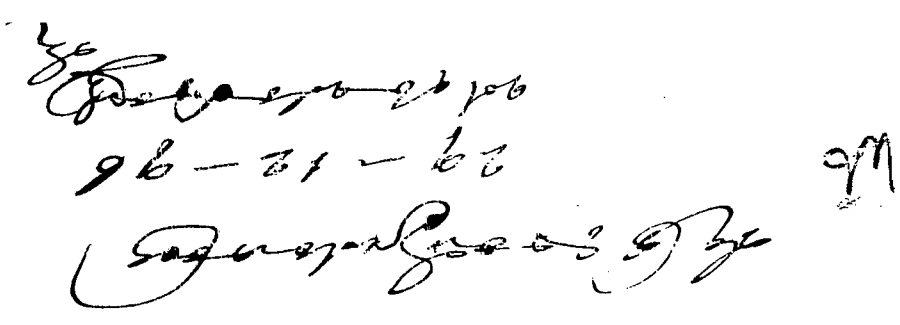
Dy Commissioner
Kadur Dt.
"

Petition Marked
8/97 L.R. 138-959
Filed
Petr
Filed to 4th March
M 4/2/97





MYSORE COURT FEE



3 —

4 —

5

6 —

[illegible]

7 – [illegible] 1892 [illegible] 16 [illegible] 16 [illegible] 23 [illegible]

8 – [illegible] 6-7 [illegible]

9 – [illegible] 79-80 [illegible] 11 [illegible] 20 [illegible]

ఉంటుంది కాబట్టి ఆ ఉత్తర్వులు ఇవ్వడానికి ముందు ఆ వ్యక్తికి తన వాదనలు వినిపించుకునే అవకాశం ఇవ్వాలి. ఆ వ్యక్తి ఇచ్చిన వివరణ సంతృప్తికరంగా లేకపోతే ఆ ఉత్తర్వులు ఇవ్వడానికి ముందు ఆ వ్యక్తి ఇచ్చిన వివరణ సంతృప్తికరంగా లేదని ఆ వ్యక్తికి తెలియజేయాలి. ఆ వ్యక్తి ఇచ్చిన వివరణ సంతృప్తికరంగా లేదని ఆ వ్యక్తికి తెలియజేయాలి. ఆ వ్యక్తి ఇచ్చిన వివరణ సంతృప్తికరంగా లేదని ఆ వ్యక్తికి తెలియజేయాలి.

10- ఆ వ్యక్తి ఇచ్చిన వివరణ సంతృప్తికరంగా లేదని ఆ వ్యక్తికి తెలియజేయాలి. ఆ వ్యక్తి ఇచ్చిన వివరణ సంతృప్తికరంగా లేదని ఆ వ్యక్తికి తెలియజేయాలి. ఆ వ్యక్తి ఇచ్చిన వివరణ సంతృప్తికరంగా లేదని ఆ వ్యక్తికి తెలియజేయాలి. ఆ వ్యక్తి ఇచ్చిన వివరణ సంతృప్తికరంగా లేదని ఆ వ్యక్తికి తెలియజేయాలి. ఆ వ్యక్తి ఇచ్చిన వివరణ సంతృప్తికరంగా లేదని ఆ వ్యక్తికి తెలియజేయాలి. ఆ వ్యక్తి ఇచ్చిన వివరణ సంతృప్తికరంగా లేదని ఆ వ్యక్తికి తెలియజేయాలి. ఆ వ్యక్తి ఇచ్చిన వివరణ సంతృప్తికరంగా లేదని ఆ వ్యక్తికి తెలియజేయాలి.

11- ఆ వ్యక్తి ఇచ్చిన వివరణ సంతృప్తికరంగా లేదని ఆ వ్యక్తికి తెలియజేయాలి. ఆ వ్యక్తి ఇచ్చిన వివరణ సంతృప్తికరంగా లేదని ఆ వ్యక్తికి తెలియజేయాలి. ఆ వ్యక్తి ఇచ్చిన వివరణ సంతృప్తికరంగా లేదని ఆ వ్యక్తికి తెలియజేయాలి. ఆ వ్యక్తి ఇచ్చిన వివరణ సంతృప్తికరంగా లేదని ఆ వ్యక్తికి తెలియజేయాలి.

12- ఆ వ్యక్తి ఇచ్చిన వివరణ సంతృప్తికరంగా లేదని ఆ వ్యక్తికి తెలియజేయాలి. ఆ వ్యక్తి ఇచ్చిన వివరణ సంతృప్తికరంగా లేదని ఆ వ్యక్తికి తెలియజేయాలి. ఆ వ్యక్తి ఇచ్చిన వివరణ సంతృప్తికరంగా లేదని ఆ వ్యక్తికి తెలియజేయాలి. ఆ వ్యక్తి ఇచ్చిన వివరణ సంతృప్తికరంగా లేదని ఆ వ్యక్తికి తెలియజేయాలి. ఆ వ్యక్తి ఇచ్చిన వివరణ సంతృప్తికరంగా లేదని ఆ వ్యక్తికి తెలియజేయాలి. ఆ వ్యక్తి ఇచ్చిన వివరణ సంతృప్తికరంగా లేదని ఆ వ్యక్తికి తెలియజేయాలి.

Rejected

తేది 16-1-97 ఇంచార్జ్ ప్రధానోపాధ్యాయులు

5 J

(16)

Proceedings of the Govt of Mysore

L.R. 138-95-W

Read:—

(1) Petition of appeal No 86 of 1896-97 presented by Virappa of Panchanhalli, Kadur Taluk against the decision of the Deputy Commissioner of Kadur in Revenue Appeal No 1 of 1896-97 on the file of his court, regarding the office of Shanbhog of Panchanhalli and Timlapur in the Kadur Taluk.

(2) Records of the case received with docket No 486 dated 3rd February 1897 from the Deputy Commr, Kadur District.

—u—

Order thereon. No 8857 P.763-96

8.6.97

The facts of the case are as follows:

Plaintiff's uncle Puttannaiya who held the Shanbhogi of Panch

ha

[redacted] Appt (Deft:) Respt (Plff)
[redacted]ppa & Suryanarayanappa.

(1515)

(Encls: 18 records)

Panchanhalli and Timlapur resigned the office in July ——— 1892 in favour of ~~X~~ defendant- Virappa, in pursuance of a registered deed of transfer wherein he admitted that he had no right to the office, but only held on behalf of Virappa's father Ramaiya. In 1894 Suryanarayanappa filed a regular suit for the office against Puttannaiya and Virappa stating that the latter had no right whatever to the office, and the alienation of it by the former was fraudulent and illegal. The Deputy Commr held, inter alia, that Puttannaiya was the recognised hakdar, that the alienation by him could not be accepted, that the Plaintiff had a better claim to the office than Virappa~~iya~~, but that the suit filed during the life time of Puttannaiya could not be entertained, and accordingly dismissed the suit. Virappa appealed to Govt taking

cross

~~And~~ exception to some of the findings recorded by the Deputy-Commissioner Puttannaiya having died in the meanwhile, Govt. remanded the case, with some observations to the Commissioner for fresh enquiry and decision on merits, according to the said case law — after the appellants' pleadings on the said opposing holders and after, as ordered in the so-called declaration, the office had been vacated by Puttannaiya. The General Assistant-Commissioner to whom the case was transferred decided the case that Puttannaiya held the office in his own right and not as a Gumasta, that the office was subject to the hereditary right of both the Plaintiff and the Defendant, but that the Plaintiff being the nephew of the last-holder Puttannaiya had a prior claim to succeed

to the vacant office, and accordingly directed that both should be registered as hakdars and that the Plaintiff should be put in possession of the office, the defendant having been entitled to it by reason of the extinction of the Plaintiff's family. The Deputy-Commr declined to interfere with the above decision and dismissed the appeal preferred thereto by Virappa.

(2) Both the Deputy-Commr and the Assistant Commr have found that Pattanayaka was a hakdar in his own right and that Suryanarayanappa his nephew (Plff) is his heir to be preferred to the appellant who is also his gotraja. The concurrent findings is correct.

This

54

This appeal is dismissed.

Draft-
C 243

Assistant-Secretary.

To
The Deputy-Commr
Kadur District, with
records & copy of Endt
granted to the Appellant.

L.V. 2/4/97.

10-4-97

(13)

L.R 138-95-11